

## **Remarks**

The specification has been amended to recite the claim to priority from U.S. Patent Application No. 05/635,887, filed on June 18, 1996, now abandoned. Claims 1 and 15 through 23 are presently pending. Claims 2 through 14 were previously cancelled. Claims 15 through 18 and 20 are presently amended. No new matter has been added by this Amendment.

In the outstanding Office Action, the Examiner requested that the priority be updated in the first sentence of the specification. The present Amendment updates the claim for priority as requested.

Claims 15 through 18 have been objected to under 37 C.F.R. § 1.75 because they are directed to subject matter that is not part of the elected invention (i.e., a "method"). Claims 15 through 18 have been amended to recite "A composite." This objection is thus deemed moot.

Claims 15 through 18 have also been rejected under 35 U.S.C. § 101 because they are directed to more than one statutory category. Applicants respectfully submit that the amendment to these claims discussed in the preceding paragraph is sufficient to overcome this rejection.

Claims 1, 15-18 and 20-23 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite. First, the Examiner contends that the Z moiety in claim 15 lacks a group. This was an obvious typographical error, and claim 15 has now been amended to recite that Z is CH (R<sub>3</sub>)OH-. See also, the moiety for "Z" at page 13, formula (1)(as corrected below). The Examiner also contends that the carbon off the phenyl structure of claim 16 exceeds its permissible valence. This was another obvious typographical error, and the structure of claim 16 has now been amended to recite that there is a single bond between the carbon off the phenyl structure and the OH group. See also, the definition of Z at page 13, lines 11 and 12. As for the rejection of claim 18, it has now been amended to recite that one of the other two groups

attached to the carbon is a hydrogen and the other is -OH. See also, the definition of Z at page 13, lines 11 and 12 and the moiety for "Z" at page 13, formula (1).

Claims 1, 15-18 and 23 have been rejected as indefinite because of the terms "such as", "preferably" and "ie". The term "ie" has been removed. As for the other terms, this rejection is respectfully traversed because the claims are not indefinite. For example, claim 15 sets forth the various definitions for R<sub>1</sub> through R<sub>4</sub>. The claim then further states that "preferably" at least one of these groups is NO<sub>2</sub>. Far from rendering the claim indefinite, the term "preferably" actually renders the claim more definite because it directs the reader's attention to a preferred embodiment. In any event, the term "preferably" clearly does not render the claim indefinite. Likewise, the term "such as" is not indefinite. Claim 15 states "a glycol such as ethylene glycol". A person of ordinary skill in the art knows what "a glycol" means, and further knows that ethylene glycol is a type of glycol. No indefiniteness is seen. Moreover, MPEP §2173.05(d), cited by the Examiner, cautions that its provisions are fact specific and should not be applied as a per se rule. Accordingly, in view of the above comments, reconsideration of this rejection and allowance of all claims is respectfully requested.

Claim 18 has been rejected because there is no definition for R<sub>10</sub> and there is no R<sub>20</sub> in the chemical structure. Again, this was an inadvertent typographical error and it has been corrected by replacing the term R<sub>20</sub> with the term R<sub>10</sub>. See also, the definition for R<sub>10</sub> at page 14, lines 1 and 2.

Claims 20 and 22 have been rejected because they refer to "The [or An] antibody according to claim 1". Both claims now recite "The composite according to claim 1".

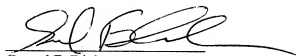
Finally, claims 1 and 15-23 have been rejected under 35 U.S.C. §102 as anticipated by Eby, Self, Thompson or Goldmacher. In view of the above amendments, including the amendment to the claim of priority, reconsideration of these rejections are respectfully requested.

A three month extension of time fee of \$510.00 is due for the filing of this Amendment. Please deduct that fee and any additional fees resulting from the filing of the Amendment, from our Account No. 50-1561.

A good faith effort has been made to place this application in condition for allowance. If the Examiner has any questions or comments, the Examiner is invited to contact the undersigned at (212) 801-2134.

Dated: July 5, 2006

By: Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Gerard F. Diebner', written over a horizontal line.

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